

JUDGE LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR05-198RSL
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING PRETRIAL
vs.)	MOTIONS DUE DATE AND
)	TRIAL DATE
CHRISTOPHER URGA,)	
)	
Defendant.)	
_____)	

Comes now the defendant, Christopher Urga, by and through his attorney, Michael G. Martin, and the United States of America, by and through John McKay, United States Attorney for the Western District of Washington, and C. Andrew Colasurdo and Andrew C. Friedman, Assistant United States Attorneys, and submit this stipulation and order to continue the pretrial motions due date and the trial date in this matter. The parties request that the pretrial motions due date be reset for March 31, 2006, that the due date for the government's response to any pretrial motions be set for April 21, 2006, and that the trial date be continued from January 30, 2006, to May 8, 2006, or as soon thereafter as is convenient for the Court. The parties

STIPULATION AND ORDER
CONTINUING PTM AND TRIAL DATES
CR05-198RSL (Urga) - 1

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1 respectfully submit that this continuance is necessary to avoid a miscarriage of justice. This
2 continuance is requested for the following reasons.

3 Defendant Urga is charged in a two count Indictment as being a felon in possession of two
4 firearms. If convicted, he could be sentenced to a mandatory minimum of fifteen years in custody
5 if the Court finds that he has at least three predicate felony convictions that would qualify him to
6 be sentenced as an Armed Career Criminal.

7
8 Counsel for Mr. Urga has requested certain DNA discovery from the government. The
9 government has, in turn, requested this evidence from the State of Washington, yet to date it has
10 not been received. Upon receipt, it will be produced as requested. Counsel for Mr. Urga will
11 then provide the discovery to a defense expert for review. That review will take approximately
12 three weeks. Due to the approaching holidays, even if the DNA discovery is produced in the next
13 ten days, review of the discovery will not begin until sometime after January 1, 2006. Review of
14 the discovery at that time will be too late to be of assistance to the defense for trial preparation
15 and/or plea negotiations.

16 Proceeding to trial on January 30, 2006 would likely result in the ineffective assistance of
17 counsel based upon insufficient time to complete a thorough investigation of this matter and to
18 prepare for trial. In reviewing the 2006 trial schedules of counsel, the parties have agreed that
19 setting this matter for trial in May 2006 would be most appropriate. For all the reasons set forth
20 above, the parties respectfully ask that the Court to set March 31, 2006, as the pretrial motions
21 due date and to continue the trial date from January 30, 2006, to May 8, 2006.

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STIPULATION AND ORDER
CONTINUING PTM AND TRIAL DATES
CR05-198RSL (Urga) - 2

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Counsel for Mr. Urga has discussed the requested continuance with him. Mr. Urga agrees that the requested continuance would be both appropriate and in his best interest. For that reason, Mr. Urga has executed a Speedy Trial Waiver through the end of June 2006 that has been filed with the Court.

Respectfully submitted this 13th day of December, 2005.

_____/s/_____
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ORDER

This matter comes before the Court on a stipulated motion by the parties to continue the pretrial motions due date and the trial date, and the Court having considered the entirety of the records and files herein, the Court finds as follows.

STIPULATION AND ORDER
CONTINUING PTM AND TRIAL DATES
CR05-198RSL (Urga) - 3

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1 This matter is currently set for trial on January 30, 2006. Defense counsel has requested
2 certain DNA discovery from the government. That discovery has been requested from the
3 Washington State Patrol Crime Lab and has not yet been produced. Once it is produced, it will be
4 reviewed by a defense expert who cannot begin the review until after January 1, 2006, just four
5 weeks before the current trial date. Such a late review by the defense expert does not give
6 defense counsel sufficient time prior to the current trial date to make use of the defense review
7 either for trial or for plea negotiation purposes. The parties agree that under these circumstances,
8 proceeding to trial on the current date set would likely result in the ineffective assistance of
9 counsel and result in a miscarriage of justice. Defense counsel has spoken directly with Mr. Urga
10 about the requested continuance, and Mr. Urga has consented to the continuance, signing a
11 Waiver of Speedy Trial through the end of June 2006. The Court further finds that the interests
12 of the public and the defendants in a speedy trial in this case are outweighed by the ends of justice
13 served by continuing the trial date in this matter. Now, therefore,

14 IT IS HERBY ORDERED that all pretrial motions in this matter must be filed no later
15 than March 31, 2006; and responses need to be filed no later than April 21, 2006; that the trial
16 date be continued from January 30, 2006, to May 8, 2006; and that the time between the date of
17 this Order and the new trial date be excludable time under the Speedy Trial Act pursuant to Title
18 18, USC Sections 3161(h)(8)(A), 3161(h)(8)(B)(i) and 3161(h)(8)(B)(ii).

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STIPULATION AND ORDER
CONTINUING PTM AND TRIAL DATES
CR05-198RSL (Urga) - 4

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1 Done this 15th day of December, 2005.

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3 

4 Robert S. Lasnik
5 United States District Judge

6
7 Presented by:

8 _____/s/_____

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10 Attorney for Defendant Gordon
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STIPULATION AND ORDER
CONTINUING PTM AND TRIAL DATES
CR05-198RSL (Urga) - 5

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